

Article 4: Subdivision Regulations**Division 5: Condominium Conversion Regulations****§144.0501 Purpose of Condominium Conversion Regulations**

The purpose of these regulations is to provide for the conversion of apartments to condominiums while, ~~at the same time,~~ protecting the interests of tenants by giving them notice of the proposal, ~~and~~ assuring ~~specified~~ tenants that ~~during times of tight rental markets there will be provided~~ reasonable assistance in relocating their places of residence ~~will be provided, and, It is also the intent of these regulations that~~ providing tenants of *condominium conversion* projects ~~be given~~ adequate notice of any such proposals. ~~It is also the intent of these regulations that converted condominiums will include improvements that benefit the community and provide reasonable consumer protections.~~

~~(Added 3-8-2004 by O-19266 N.S.)~~

§144.0502 When Condominium Conversion Regulations Apply

This division applies to any development that proposes a change in ownership from a single structure or group of structures used for residential rental units to individual ownership of apartments or units under a condominium plan or to a cooperative or stock apartment project pursuant to the applicable provisions of the laws of the State of California.

§144.05023 Fees, ~~and~~ Deposits, and Reports

- (a) In addition to the fees required by Chapter 11, Article 2, Division 2, Fees and Deposits, the *applicant* shall deposit with the City an amount equal to \$200 for each unit proposed to be converted which is occupied by a tenant eligible for relocation assistance. The funds shall be used by the City of San Diego to reimburse the Housing Commission for its costs incurred in monitoring compliance with the obligations set forth under this division and in providing technical assistance to assist eligible tenants in their relocation. If the costs incurred by the Housing Commission exceed the amount deposited by the *applicant*, an additional deposit shall be made by the *applicant* equal to the original deposit. Nothing contained in this division shall impose a duty upon the City or the Housing Commission to pay any relocation benefits to eligible tenants.

~~(Added 3-8-2004 by O-19266 N.S.)~~

- (b) A building conditions report, prepared by California registered architect, civil engineer, or structural engineer, shall be submitted by the applicant and accepted by the City prior to approval of a *condominium conversion*. The following shall be included in the building conditions report:

- (1) An evaluation of the building for compliance with current health and safety standards and current editions of City adopted construction codes for the existing building foundation and walls, roof, and floors.

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systems, plumbing systems, mechanical systems, paved areas, and storm water drainage facilities ;

- (2) The existing condition of, and current development requirement for, recreational facilities and parking;
 - (3) A discussion of the actions taken to assure that plumbing, heating, electrical, and roofing systems are operating safely and efficiently;
 - (4) A discussion detailing the level of compliance with energy efficiency standards applicable to heating and cooling appliances and the building envelope surrounding each dwelling unit and common occupied areas;;
 - (5) Scaled elevations that identify all proposed structural and cosmetic improvements of all building facades ;
 - (6) A property facilities analysis for that identifies components integral to the building such as roofs, water heating systems, cooling and heating mechanical systems, and floor coatings protecting exterior wood flooring structures that are determined to have a remaining life of five years or less.
 - (7) A description of the building's current and proposed level of compliance with the accessibility standards in the prevailing edition of the California Building Code for disabled persons; and
 - (8) A list of improvements intended to be made to the premises.
- (c) The applicant shall record with the county a copy of the City accepted building conditions report.

§144.050~~34~~ Tenant Benefits, Rights and Obligations

- (a) The *subdivider* of a *condominium conversion* project shall provide the benefits specified in section 144.050~~43~~(b) to any person whose tenancy in the project the *subdivider* terminates due to the *condominium conversion*.
- (b) The *applicant* shall provide a relocation assistance payment equivalent to three months' current rent to all tenants of the project ~~whose income is less than 100 percent of area median income (as calculated by the U.S. Department of Housing and Urban Development for the San Diego Standard Metropolitan Statistical Area).~~ The relocation payment shall be paid no later than the day on which the *applicant* gives notice to the tenant to vacate the premises.

(Added 3-8-2004 by O-19266 N.S.)

§144.05045 Vacancy Rate Determination and Suspension of Relocation Payment

- (a) On or before March April 1, 20065, and each year thereafter, the Planning Commission shall determine that if the average vacancy rate for residential rental units exceeded seven percent on a City-wide basis for the previous calendar year, then the payment of relocation benefits pursuant to section 144.0504(a) shall not apply to *condominium conversions* in the calendar year starting March April 1 of that year.
- (b) Each year, Planning Department staff shall submit to the Planning Commission in March of each year a report identifying the vacancy rates for residential rental units in the City as of January 1 of that year, and July 1 of the preceding year. The report shall also include an annual average. The report is to be based on the results of a survey of rental apartments to be taken during the months of March through May and again during the months of September through November January and July of each year, plus any other information regarding vacancy rates submitted to the Planning Commission by other governmental agencies and other interested parties.

(Added 3-8-2004 by O-19266 N.S.)

§144.0506 Development Regulations for Condominium Conversions

- (a) Parking - The following parking regulations shall apply to condominium conversions
- (1) For buildings permitted on or after November 23, 1992 the parking regulations in effect at the time of this ordinance shall apply (Section 142.0510.c);
- (2) For buildings permitted prior to November 23, 1992 the following parking regulations shall apply unless those in effect at the time of construction are stricter:
- (A) One bedroom units - 1 space per unit;
- (B) Two bedroom units - 1.25 space per unit;
- (C) Three or more bedrooms – 1.5 space per unit.
- (b) Electrical – Electrical system grounding and equipment grounding shall be provided, and electrical receptacle protection shall be upgraded to include ground fault circuit interrupter (GFCI) protection. GFCI protection shall be provided as is required by the California Electrical Code in areas such as bathrooms and kitchens. Design and installation shall comply with the requirements of the prevailing editions of the California Electrical Code
- (c) Windows – Basements in dwelling units and every sleeping room fourth story shall have at least one operable window or door approved for

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emergency escape or rescue. Windows provided for emergency escape or rescue shall comply with minimum sill height and opening size requirements in the prevailing editions of the California Building Code.

- (d) Smoke detectors – Smoke alarms shall be installed with dwelling units and designed to operate as is required in the prevailing editions of the California Building Code. Smoke alarms shall be interconnected and shall receive their primary power from the building wiring and shall be equipped with a battery backup.
- (e) Landscape – Street trees and street yard landscape shall be provided in accordance with Section 142.0410.
- (f) Integral components– Integral components identified in Section 144.0505(b)(6)(B) shall be replaced.

§144.0507 Deviations from the Development Regulations for Condominium Conversions

Deviations to the requirements in section 144.0506 may be requested in accordance with a Process Four Site Development Permit.

§144.0508 Inclusionary Housing Requirement for Condominium Conversions

Condominium conversion projects of ten or more units shall satisfy the inclusionary housing requirements on-site in accordance with Section 142.1306.

§ 142.1306 General Inclusionary Affordable Housing Requirements

- (a) At least ten percent (10%) of the total dwelling units in the proposed *development* shall be affordable to *targeted rental households* or *targeted ownership households*. For any partial unit calculated, the applicant shall pay a prorated amount of the in lieu fee in accordance with Section 142.1310 or provide an additional affordable unit. *Condominium conversion* units affordable to and sold to households earning less than 150 percent (150%) of the *area median income* pursuant to an agreement entered into with the San Diego Housing Commission shall not be included in the *dwelling units* total for purposes of applying the ten percent inclusionary housing requirement.
- (b) With the exception of *condominium conversions of ten or more dwelling units*, the requirement to provide dwelling units affordable to and occupied by *targeted rental households* or *targeted ownership* households, can be met in any of the following ways:
- (1) On the same site as the proposed project site;
 - (2) On a site different from the proposed project site, but within the same community planning area. Nothing in this Division shall preclude an *applicant* from utilizing affordable units constructed by another in accordance with this Division upon approval by the Housing Commission in accordance with the standards set forth in the Inclusionary Affordable Housing Implementation and Monitoring Procedures Manual;
 - (3) On a site different from the proposed project site and outside the community planning area if the *applicant* has obtained a variance in accordance with Section 142.1304. Nothing in this Division shall preclude an *applicant* from utilizing affordable units, constructed by another *applicant* in accordance with this Division, upon approval by the Housing Commission pursuant to the standards set forth in the Inclusionary Affordable Housing Implementation and Monitoring Procedures Manual;
 - (4) Payment of an in lieu fee in accordance with the provisions of Section 142.1310; or
 - (5) Any combination of the requirements of this Section.
- (c) Condominium conversions of ten or more dwelling units shall meet the requirement to provide dwelling units affordable to and occupied by *targeted rental households* or *targeted ownership* households on the same site as the project.

§126.0502 When a Site Development Permit Is Required

- (d) A Site Development Permit decided in accordance Process Four is required for the following types of development.
- (1) Within *historical districts* or when *designated historical resources* are present, unless exempt under Section 143.0220:
 - (A) *Subdivisions*
 - (B) Single or multiple unit residential *development*;
 - (C) Commercial or industrial *development*;
 - (D) Public works projects; and
 - (E) *Development* that deviates from the *historical resources* regulations, as described in Section 143.0210.
 - (2) Where *historical resources* other than *historical districts* or *designated historical resources* are present, unless exempt under Section 143.0220:
 - (A) *Subdivisions*
 - (B) *Multiple dwelling unit* residential *development*;
 - (C) Commercial or industrial *development*;
 - (D) Public works construction projects; and
 - (E) *Development* that deviates from the *historical resources* regulations, as described in Section 143.0210.
 - (3) *Subdivision of a premises* that contains *environmentally sensitive lands*, as described in Section 143.0110.
 - (4) *Development* that deviates from any portion of the *environmentally sensitive lands* regulations, as described in Section 143.0110.
 - (5) *Development* for which the *applicant* seeks a deviation from the applicable development regulations as an additional development incentive to a *density* bonus for affordable housing under Section 143.0750.

- (6) Development for which the applicant seeks a deviation from the development regulations for condominium conversions in Section 144.0506.

§126.0504 Findings for Site Development Permit Approval

A Site Development Permit may be approved or conditionally approved only if the decision maker makes all of the *findings* in Section 126.0504(a) and the supplemental *findings* in Section 126.0504(b) through (m) that are applicable to the proposed *development* as specified in this section.

- (a) Findings for all Site Development Permits
- (1) The proposed *development* will not adversely affect the applicable *land use plan*;
 - (2) The proposed *development* will not be detrimental to the public health, safety, and welfare; and
 - (3) The proposed *development* will comply with the applicable regulations of the Land Development Code.

(n) Supplemental Findings - Condominium Conversions

A Neighborhood Development Permit required in accordance with Section 144.0507 because of potential impacts to the surrounding neighborhood may be approved or conditionally approved only if the decision maker makes the following supplemental *findings* in addition to the *findings* in Section 126.0404(a):

- (1) The decision maker has considered the project-specific constraints and has determined that as proposed *condominium conversion* would to the maximum amount feasible address the requirements, and has been developed to provide specific community benefits; or
- (2) Strict adherence to the requirements would result in a project that would result in the demolition of, or loss of architectural character of, structures that contribute to the community character.